

MEMO ENCLOSED

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

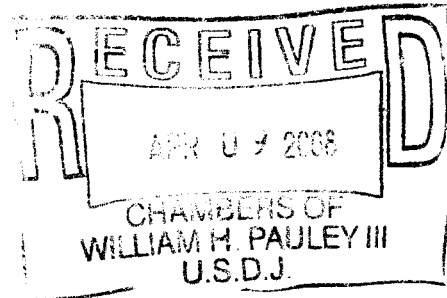
HILLARY A. FROMMER
Senior Counsel
Phone: (212) 788-0823
Fax: (212) 788-9776
hfrommer@law.nyc.gov

April 8, 2008

VIA HAND DELIVERY

The Honorable William H. Pauley, III
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Almonte v. The City of New York et al.
08 Civ. 2759 (WHP(HP))



Dear Judge Pauley:

I am the Senior Counsel with the Office of the Corporation Counsel assigned to the defense in the above-referenced matter in which plaintiff alleges that he was falsely arrested on two separate occasions, was subjected to excessive force, and his personal property was not returned to him. Defendant City of New York respectfully requests that its time to respond to the complaint be extended for sixty days from the current due date of April 9, 2008 until June 9, 2008. I have spoken to plaintiff's counsel and plaintiff consents to this request. I apologize for the lateness of this request, but until very recently, I was on trial before the Honorable Alvin K. Hellerstein in the matter of James v. Melendez et al., 05 Civ. 5252 and was unable to communicate with plaintiff's counsel regarding this case or this request before today.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, defendant City needs this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office has already forwarded to plaintiff for execution a consent and authorization for the release of sealed records so that the defendant can access the information, properly assess the case, and respond to the complaint. No previous request for an extension has been made by defendant.

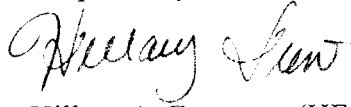
Additionally, upon information and belief, two of the individually named defendants have been served with the summons and complaint. This extension should give this

office time to determine whether the individuals were properly served and, if so, to make representational decisions with respect to them. *See Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to June 9, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,

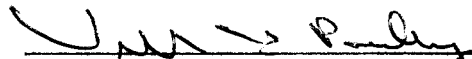


Hillary A. Frommer (HF 9286)
Senior Counsel

cc: Steven Hoffner (via facsimile)

Application Granted.

SO ORDERED:



WILLIAM H. PAULEY III U.S.

4/14/08